

Application Number: 10/821,382

### Remarks

The examiner rejected claims 1-9, under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the examiner suggested that in claim 1 the term "derivative" should be amended to - compound. As can be seen from the above amendment to claim 1, the examiner's suggestion has been adopted. The examiner suggested that in claim 2 the "R<sub>4</sub> is: (a) oxy-lower alkyl aminopyridinyl, (b) lower alkyl oxy-lower alkyl aminopyridinyl, (c) mono or difluoro substituted lower alkyl aminopyridinyl, (d) amino lower alkyl aminopyridinyl, (e) lower alkylamino lower alkyl aminopyridinyl" has insufficient antecedent basis. As can be seen from the above amendment to claim 2, all these limitation has been canceled. The examiner also requested that in claim 7 the heterocyclyl radicals in "R is hydrogen, lower alkyl, aliphatic, cycloaliphatic or heterocyclyl radicals" are not in the definition. As can be seen from the above amendment to claim 7, heterocyclyl has been canceled. Therefore, these grounds for rejection have been obviated.

The examiner rejected claims 1-9, under 35 U.S.C. §102 and 35 U.S.C. §103. The two prior art references (WO 04/029038 and WO 04/099186) examiner cited have been thoroughly studied. Either the publication date or filing date for these references are very close to the filing date of the present application. They were either just appeared or even not existed in public domain when the present application filed. Therefore, these two references were not on the background reference list in the present application.

To be further studied that WO 04/029038 only teaches that its R<sub>2</sub> is para-phenyl directed amino substituents, and further R<sub>5</sub> and R<sub>6</sub> define that only the following generic groups embrace the present application. "R<sub>5</sub> and R<sub>6</sub> represent lower alkylamino-lower alkyl, di(loweralkyl)amino-lower alkyl, N-lower alkylpiperidinyl, N-lower alkylpyrrolidinyl". As can be seen from the above amendments to claim 1, "R<sub>4</sub> is: amino lower alkylamino," has been canceled; "aminoheterocyclyl" has been limited in the definition without "N-lower alkylpiperidinyl, N-lower alkylpyrrolidinyl". As can be seen from the above amendment to claim 2-8, "R<sub>4</sub> is: amino lower alkyl unsubstituted, mono or disubstituted amino;" and related compounds as well as related examples have been canceled; "amino pyrrolidinyl, amino piperidinyl" has been limited in the definition without "N-lower alkylpiperidinyl, N-lower alkylpyrrolidinyl".

To be further studied that WO 04/099186 only teaches that its "X represents NH" embrace the present application, its "X represents oxygen" has later priority date (05/06/03) than the clear disclosure of the US provisional application 60/466,883 (filed on 05/02/03) of the present application. As can be seen from the above amendments to claim 1-8, "lower alkylamino heterocyclyl" has been limited in the definition without "-CH<sub>2</sub>NH-".

These amendments have made the present application to be satisfied with 35 U.S.C. §102 and 35 U.S.C. §103. Therefore, these grounds for rejection have been obviated.

The examiner objected claims 10-11 under 37 CFR 1.75(c) and MPEP § 608.01(n) and requested that claims 10-11 be amended so that they are proper dependent claims. Claim 10 has been amended to recite "A pharmaceutical composition which comprises as

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an active ingredient a compound as defined in any one of claims 1 to 8 or a pharmaceutical acceptable salt of the compound, or a hydrate or solvate of the compound and a pharmaceutical acceptable carrier." Claim 11 has been canceled. Therefore, this ground for objection has been obviated.

Additionally, all above amendments made to all original claims have marked related guidelines such U.S.C., MPEP etc. in order to correspond to the basis of examiner's objections or rejections.

### Conclusion

In light of the foregoing amendments and remarks, it is believed that Claims 1-10 are now in condition for allowance. Accordingly, reconsideration and withdrawal of the outstanding objection and rejections, and a favorable response are earnestly solicited.

Respectfully submitted,



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